

**FILED**

**MAY 22 2018**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION**

Clerk, U. S. District Court  
District Of Montana  
Helena

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ATLANTIC RICHFIELD  
COMPANY

Defendants

ATLANTIC RICHFIELD  
COMPANY,

Defendant and Counterclaim  
Plaintiff,

vs.

UNITED STATES OF AMERICA;  
UNITED STATES DEPARTMENT  
OF JUSTICE, et al.,

Counterclaim Defendants.

CV-89-39-BU-SEH

**ORDER GRANTING JOINT  
MOTION OF THE UNITED  
STATES AND ATLANTIC  
RICHFIELD FOR LEAVE TO  
DISCLOSE CERTAIN  
CONFIDENTIAL  
SETTLEMENT  
COMMUNICATIONS TO  
SUPPORT CONSENT DECREE  
NEGOTIATIONS**

The Court has considered the United States' and Atlantic Richfield's Joint Motion for Leave to Disclose Certain Confidential Settlement Communications to Support Consent Decree Negotiations. The confidential communications that are the subject of the motion are settlement documents and information that have been developed by the United States, Atlantic Richfield and other participants in the Butte Priority Soils Operable Unit (BPSOU) consent decree negotiations. Such settlement documents and other information exchanged and developed in consent decree negotiations are required to be kept confidential by this Court's Amended Confidentiality Order (Dkt. No. 1052; Dec. 29, 2003). Based upon the arguments presented in the motion, the Court understands that the proposed disclosures are necessary and appropriate to help inform the public about potential modifications to be proposed to the 2006 BPSOU Record of Decision and to support negotiations to reach agreement upon terms of a consent decree that would resolve claims for the BPSOU, which is one of the sites at issue in this case.

The Court finds that there is good cause to grant the motion. Accordingly, leave is hereby granted for the United States, in coordination with Atlantic Richfield and the Third Party-Participants, to publicly disclose certain confidential settlement documents that will support the three-step


process described in the joint motion consisting of proposed cleanup work plans, related figures, supporting technical assessments and logistical information, information about the proposed coordination of cleanup activities with implementation of State of Montana proposed restoration actions, and other relevant information that the Parties agree to disclose in writing.

While sharing such materials with the public as allowed by this Order, the United States, Atlantic Richfield and the Third Party-Participants will continue their confidential settlement negotiations under the protections of the Amended Confidentiality Order (Dkt. No. 1052, Dec. 29, 2003) to reach agreement upon all terms needed to complete a BPSOU consent decree for presentation to the public and the Court. All documents prepared for settlement purposes or exchanged heretofore and in the future by the United States, Atlantic Richfield, and the Third Party-Participants in the course of consent decree negotiations shall remain confidential under the Amended Confidentiality Order (Dkt. No. 1052, Dec. 29, 2003), except as provided herein.

If the Parties are not able to reach agreement on a BPSOU consent decree by the end of 2018, or if the Parties reach an impasse, the United

States and Atlantic Richfield will advise the Court of the status of the negotiations.

DATED this 22<sup>nd</sup> day of May, 2018.

  
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Sam E. Haddon  
United States District Court Judge